

**A SUBSTITUTE ORDINANCE BY
COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

AN ORDINANCE TO AMEND THE ATLANTA HOUSING CODE OF 1987, APPENDIX E TO THE LAND DEVELOPMENT CODE, SO AS TO ADD A NEW ARTICLE V, ENTITLED "JUDICIAL IN REM" SO AS TO AUTHORIZE THE PROSECUTION OF JUDICIAL IN REM ACTIONS THROUGH THE CITY OF ATLANTA MUNICIPAL COURT; SO AS TO UPDATE CERTAIN PROVISIONS OF THE HOUSING CODE; AND FOR OTHER PURPOSES

WHEREAS, the City has an administrative in rem process known as the In Rem Review Board; and

WHEREAS, the General Assembly has enabled municipalities to adopt a judicial in rem procedure which allows the in rem procedure to go through a municipal court; and

WHEREAS, the judicial in rem process is intended to supplement the City's administrative In Rem Review Board; and

WHEREAS, state law requires a municipality to adopt by ordinance a judicial in rem process before pursuing enforcement action in the municipal court; and

WHEREAS, the current dramatic increase of residential foreclosures has lead to an increase in the number of structures within the City becoming vacant, abandoned, or otherwise unfit for human habitation; and

WHEREAS, such structures welcome criminal activity and present other public safety, health, and general welfare concerns; and

WHEREAS, the Department of Planning and Community Development and the Code Compliance Task Force have both identified the judicial in rem process as a viable tool for dealing with structures unfit for human habitation in furtherance of the City's police power to provide for the general health, safety, morals, and welfare of its residents; and;

WHEREAS, pursuant to 04-O-1213, the responsibility for Housing Code and In Rem enforcement resides with the Bureau of Code Compliance; and

WHEREAS, the Bureau of Code Compliance should be equipped with every available tool to pursue enforcement action against structures unfit for human habitation; and

WHEREAS, the Housing Code needs to be updated to reflect that the authority and responsibility for Housing Code and In Rem enforcement resides with the Bureau of Code Compliance; and

WHEREAS, the Housing Code needs to be further updated so as to provide the Bureau of Code Compliance with more efficient means of notifying owners and interested parties of pending administrative in rem action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: That the Atlanta Housing Code of 1987, Appendix E to the Land Development Code, be amended by adding "Article V" to read as shown on Exhibit A, attached hereto.

Section 2: That Section 6 of the Atlanta Housing Code which reads as follows:

"Director shall mean the Director of the Bureau of Neighborhood Services or said person's authorized representative. Hereinafter, any reference to the Director of the Bureau of Buildings in this chapter shall mean the Director of Neighborhood Services."

Be amended by striking the existing language and replacing it with the following:

"Director shall mean the Director of the Bureau of Code Compliance or his authorized representative. Hereinafter, any reference to the Director of the Bureau of Buildings in this chapter shall mean the Director of the Bureau of Code Compliance."

Section 3: That Sec. 7 of the Atlanta Housing Code which reads as follows:

"The primary authority and responsibility for the enforcement of the provisions of this Code shall be vested in the Director of the Bureau of Buildings of the City of Atlanta or the successor of such Bureau."

Be amended by striking the existing language and replacing it with the following:

"The primary authority and responsibility for the enforcement of the provisions of this Code shall be vested in the Director of the Bureau Code Compliance of the City of Atlanta or the successor of such Bureau. The Director of the Bureau of Buildings shall assist the Director of the Bureau of Code Compliance upon the latter's request."

Section 4: That the title of Article III of the Atlanta Housing Code which reads as follows:

"Article III: In Rem Procedures"

Be amended by striking the existing language and replacing it with the following:

"Article III: Administrative In Rem"

Section 5: That Section 39 of Article III of the Atlanta Housing Code entitled "Service of Notices and Orders" and which reads as follows:

(a) *Persons in possession, owners; parties in interest.* Notices or orders issued by or served by the Director pursuant to this Article shall, in all cases, be served upon persons in possession of said property, owners and parties in interest. The return of service, signed by the Director, or an affidavit of service executed by any person duly authorized to serve process, reciting that a copy of such notices or orders was served upon persons in possession of said property, owners and parties in interest personally, or by leaving such copy at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; shall be sufficient evidence as to the service of such person in possession, owner, or party in interest.

(b) *Residents of State Residing out of City.* If an owner or party in interest resides out of the City, but within the State of Georgia, service shall be perfected by causing a copy of such notices or orders to be served upon such party by the sheriff or any lawful deputy of the county of the residence of such party. Such service may also be made by any citizen of this State and the return of service by such sheriff or lawful deputy, or the affidavit of such citizen that such party was served, either personally or by leaving a copy of the notices or orders at the residence, shall be sufficient evidence as to such service.

(c) *Nonresidents of State.* An owner or party in interest who is a nonresident of the State of Georgia shall be served by publishing the notice or orders once each week for two (2) successive weeks in the daily newspaper in which the legal advertisements of the City are carried. The cost of such advertisements shall be disbursed from the general fund of the City. A copy of such notices or orders shall be posted in a conspicuous place on premises affected by the notices or orders and notice of the pending action shall also be filed on the lis pendens docket in the office of the Clerk of the Superior Court of the appropriate county. Where the address of such nonresident is known, a copy of such notices or orders shall be mailed to such address by registered mail.

(d) *Minors; Insane persons.* In the event the owner or any party in interest is a minor, an insane person or disabled person, the guardian or personal representative of such person shall be served. If such guardian or personal representative resides outside the City or is a nonresident of the State of Georgia, service shall be made as hereinbefore provided for nonresidents. If such minor, insane person or disabled person has no guardian or personal representative, service shall be perfected by serving such minor, insane person or disabled person personally, or by leaving a copy of said notices or orders at the place of such person's residence, and by serving the Probate Judge of the appropriate county, who shall stand in the place of and protect the rights of such person or appoint a guardian ad litem for such person. In the event such minor, insane person or disabled person lives out of the City or is a nonresident of the State of Georgia, such person shall be served by the method herein provided in the case of other persons who live out of the City or are nonresidents of the State of Georgia, and by serving the Probate Judge of the appropriate county.

(e) *Persons whose whereabouts are unknown.* In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the Director in the exercise of reasonable diligence, the Director shall make an affidavit to that effect, and shall serve any notices of orders upon such person in the same manner as provided in

Subsection (c) herein. Service may also be perfected upon any person, firm or corporation holding itself as an agent for such party in an appropriate manner as provided in this Section.

Be amended by striking the existing language and replacing it with the following:

Service of Notices and orders. Notices issued by the Director pursuant to this Article shall be served in the following manner:

- (1) At least 14 days prior to the date of the hearing, the Director shall mail copies of the Notice by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the Notice shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
- (2) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.
- (3) A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint **before the In Rem Review Board**. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- (4) Orders and other filings made subsequent to service of the initial Notice shall be served in the manner provided in this Article on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

“EXHIBIT A”

ARTICLE V: JUDICIAL IN REM

Sec. 50. Legislative Finding.

It is found and declared that in the City there is the existence or occupancy of dwellings, buildings, or structures 1) which are unfit for human habitation or for commercial, industrial, or business uses due to dilapidation and not in compliance with applicable codes; 2) which have defects increasing the hazards of fire, accidents, or other calamities; which lack adequate ventilation, light, or sanitary facilities; 3) which are vacant, dilapidated dwellings, buildings, or structures in which drug crimes are being committed; and/or 4) which have other conditions rendering such dwellings, buildings, or structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or welfare, or otherwise inimical to the welfare of the residents of the City, and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings, or structures.

Section 51: Intent/Purpose.

It is the intent of this Article to authorize the Department of Planning and Community Development, acting through its respective Bureaus, to exercise the power conferred by the General Assembly pursuant to O.C.G.A. § 41-2-8 through § 41-2-17 in order to seek the repair, closure, or demolition of dwellings, buildings, or structures meeting the standards herein identified/defined through an in rem enforcement action before the City of Atlanta Municipal Court.

Section 52: Definitions.

As used in this Article the term:

(1) "Applicable codes" means (A) the Atlanta Housing Code of 1987, as amended; (B) any optional housing or abatement standard provided in O.C.G.A. § 8-2-1 *et seq.* as adopted by ordinance or operation of law, or other property maintenance standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property; (C) any fire or life safety code as provided for in O.C.G.A. § 25-2-1 *et seq.*; and (D) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. § 8-2-1 *et seq.* after October 1, 1991 provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

(2) "City" means the City of Atlanta.

(3) "Closing" means causing a dwelling, building, or structure to be vacated and secured against unauthorized in accordance with Section 29 of this Appendix.

(4) "Director" means the Director of the Bureau of Code Compliance and his designee(s).

(5) "Drug crime" means an act which is a violation of the "Georgia Controlled Substances Act."

(6) "Dwellings, buildings, or structures" means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design.

(7) "Governing authority" means the Atlanta City Council.

(8) "Interested parties" means:

(A) Owner;

(B) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;

(C) Those parties owning a security deed or mortgage and whose name and address appears either on the face of a properly recorded security deed or mortgage from the owner of the property or on the face of a properly recorded transfer of such a security deed or mortgage;

(D) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the Director or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interest shall remain unaffected; and

(E) Persons in possession of said property and premises.

(9) "Owner" means the holder of the title in fee simple and every mortgagee of record.

(10) "Public authority" means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in the municipality.

(11) "Public officer" means the officer authorized by this Article and O.C.G.A. § 41-2-7 through § 41-2-17 to exercise the powers prescribed herein.

(12) "Repair" means altering or improving a dwelling, building, or structure so as to bring the structure into compliance with the applicable codes and the cleaning or removal of debris, trash, and other materials present and accumulated which create a health or safety hazard in or about any dwelling, building, or structure.

(13) "Resident" means any person residing in the City of Atlanta on or after the date on which the alleged nuisance arose.

Section 53: Enforcement

(a) *Duty to Maintain.* It is the duty of the owner of every dwelling, building, structure, or property within the City to construct and maintain such dwelling, building, structure, or property in conformance with applicable codes in force within the City, or such ordinances which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of us of such codes or ordinances.

(b) *Director's Powers of Enforcement.* The Director is designated as the public officer authorized to exercise the powers prescribed by this Article. The Director is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the

purpose and provisions of this Article and of O.C.G.A. § 41-2-7 through O.C.G.A. § 41-2-17, including the following powers in addition to others granted in said sections:

- (1) To investigate the dwelling conditions in the City in order to determine which dwellings, buildings, or structures therein are unfit for human habitation or are unfit for current commercial, industrial, or business use or are vacant, dilapidated, and being used in connection with the commission of drug crimes;
- (2) To administer oaths and affirmations, to examine witnesses, and to receive evidence;
- (3) To enter upon premises for the purpose of making examinations; provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
- (4) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to carry out the purposes of the Article; and
- (5) To delegate any of his functions and powers under the Article to such officers and agents as he may designate.

(c) *Investigation.* Whenever it appears to the Director or whenever a written request is filed with the Director by a public authority or by at least five residents of the City charging that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Director shall make an investigation or inspection of the specific dwelling, building, structure, or property.

(d) *Standards for determining unfitness for habitation.* The Director may determine, under applicable codes, including, but not limited to, the Atlanta Housing Code, that a dwelling, building, or structure is unfit for human habitation or is unfit for its current commercial, industrial, or business use if he finds that conditions exist in such building, dwelling, or structure which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, or structure; of the occupants of neighborhood dwellings, buildings, or structures; or of other residents of the City. Such conditions may include the following (without limiting the generality of the foregoing):

- (1) Defects therein increasing the hazards of fire, accidents, or other calamities;
- (2) Lack of adequate ventilation, light, or sanitary facilities;
- (3) Dilapidation;
- (4) Disrepair;
- (5) Structural defects;
- (6) Uncleanliness; and
- (7) Highly hazardous Conditions as specified in Section 19 of this Appendix.

(e) *Vacant, Dilapidated, and Drug Crimes.* The Director may determine that a dwelling, building, or structure is vacant, dilapidated, and being used in connection with the commission of drug crimes upon personal observation or report of a law enforcement agency and evidence of drug crimes being committed.

(f) *Prior Citation.* Notwithstanding any provision of the Atlanta Housing Code to the contrary, the Director may, but is not required to, issue citations for violations of this

Appendix and seek to enforce such citations in the City of Atlanta Municipal Court prior to issuing a complaint in rem as provided in this Article.

Section 54: Judicial Proceedings

(a) *Complaint.* If the Director's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Director may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building, or structure. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the interested parties; state with particularity the factual basis for the action; and contain a statement of the action sought by the Director to abate the alleged nuisance.

(b) *Summons.* The summons shall notify the interested parties that a hearing will be held before the City of Atlanta Municipal Court, at a date and time certain. Such hearing shall be held not less than 15 days nor more than 45 days after the filing of said complaint in the City of Atlanta Municipal Court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for the hearing.

(c) *Service of complaints and orders.* Complaints issued by the Director pursuant to this Article shall be served in the following manner:

(1) At least 14 days prior to the date of the hearing, the Director shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by first-class mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.

(2) For interested parties whose mailing address is unknown, a notice stating the date, time, and place of the hearing shall be published in the newspaper in which the sheriff's advertisements appear in such county once a week for two consecutive weeks prior to the hearing.

(3) A notice of lis pendens shall be filed in the office of the clerk of superior court in the county in which the dwelling, building, or structure is located at the time of filing the complaint in the City of Atlanta Municipal Court. Such notice shall have the same force and effect as other lis pendens notices provided by law.

(4) Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this Article on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

(d) *Hearing & Order.* If, after such notice and hearing, the court determines that the dwelling, building, or structure in question is unfit for human habitation or is unfit for its current commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall state in writing findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing an order:

- (1) If the repair, alteration, or improvement of the said dwelling, building, or structure can be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure so as to bring it into full compliance with the applicable codes relevant to the cited violation and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
- (2) If the repair, alteration, or improvement of the said dwelling, building, or structure in order to bring it into full compliance with applicable codes relevant to the cited violations cannot be made at a reasonable cost in relation to the present value of the dwelling, building, or structure, requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building, or structure and all debris from the property.

(e) *Reasonable Cost.* For purposes of this Article, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, or structure" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia appraiser classification as provided in O.C.G.A. § 43-39A-1 *et seq.*, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alteration, or improvement of the structure shall be the cost necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in the jurisdiction.

Section 55: Failure to Comply

(a) If the owner fails to comply with an order to repair or demolish the dwelling, building, or structure within the time specified in the order, the Director may cause such dwelling, building, or structure to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence.

(b) The Director shall cause to be posted on the main entrance of the building, dwelling, or structure a placard with the following words:

"This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this building is prohibited and unlawful."

(c) If the Director has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any moneys received from the sale of salvaged materials shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid. The Director and governing authority are relieved of any and all liability resulting from or occasioned by the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials.

Section 56: Lien

(a) *Calculation of Lien.* The amount of the cost of demolition, including all court costs, appraisal fees, administrative costs incurred by the county tax commissioner or municipal tax collector or city revenue officer, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred.

(b) *Certified Copy of Order.* The lien shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure, or demolition in the office of the clerk of superior court in the county where the real property is located and shall relate back to the date of the filing of the lis pendens notice provided for in this Article. The clerk of superior court shall record and index such certified copy of the order in the deed records of the county and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.

(c) *Statement of Amount Due.* Upon final determination of costs, fees, and expenses incurred in accordance with this chapter, the Director shall transmit to the appropriate county tax commissioner or municipal tax collector or city revenue officer a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the Director shall be transmitted within 90 days of completion of the repairs, demolition, or closure.

(d) *Duty to Collect.* It shall be the duty of the appropriate county tax commissioner or municipal tax collector or city revenue officer, who is responsible or whose duties include the collection of municipal taxes, to collect the amount of the lien using all

methods available for collecting real property ad valorem taxes, including specifically Chapter 4 of Title 48 of the Official Code of Georgia Annotated; provided, however, that the limitation of O.C.G.A. § 48-4-78 which requires 12 months of delinquency before commencing a tax foreclosure shall not apply.

(e) *Remit of Amount Collected.* A county tax commissioner shall collect and enforce a City lien imposed pursuant to this Article in accordance with O.C.G.A. § 48-5-359.1. The county tax commissioner or municipal tax collector or city revenue officer shall remit the amount collected to the City's Department of Finance. All amounts remitted from the enforcement of the lien shall be deposited into a special account for the enforcement of the provisions of this Article.

(f) *Enforcement.* Enforcement of liens pursuant to this Article may be initiated at any time following receipt by the county tax commissioner or municipal tax collector or city revenue officer of the final determination of costs in accordance with this Article. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this Article.

(g) *Redemption.* The redemption amount in any enforcement proceeding pursuant to this Article shall be the full amount of the costs as finally determined in accordance with this Article together with interest, penalties, and costs incurred by the City, county tax commissioner, municipal tax collector, or city revenue officer in the enforcement of such lien. Redemption of property from the lien may be made in accordance with the provisions of O.C.G.A. § 48-4-80 and O.C.G.A. § 48-4-81.

(h) *Lien waiver and release.* The City Council may waive and release any such lien imposed on property upon the owner of such property entering into a contract with the City agreeing to a timetable for rehabilitation of the real property or the dwelling, building, or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

(i) *Appropriations; grants; donations.* The City is authorized to make such appropriations from its revenues as it may deem necessary and may accept and apply grants or donations to assist it in carrying out the provisions of this Article.

Section 57: General Provisions

(a) *Appeal.* Review of a municipal court order requiring the repair, alteration, improvement, or demolition of a dwelling, building, or structure shall be by direct appeal to the superior court under O.C.G.A. 5-3-29.

(b) *Injunction.* Any person affected by an order issued by the Director may petition to the superior court for an injunction restraining him from carrying out the provisions of the

order and the court may, upon such petition, issue a temporary injunction restraining the Director pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the Director. De novo hearings shall be had by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this Code section.

(c) *Compensation for property.* Nothing in this Article shall be construed as preventing the owner or owners of any property from receiving just compensation for the taking of such property by the power of eminent domain under the laws of this state nor as permitting any property to be condemned or destroyed except in accordance with the police power of this state.

(d) *Powers supplemental to other laws.* Nothing in this Article shall be construed to abrogate or impair the powers of the courts or of any department of the City to enforce any provisions of its local enabling Act, its charter, or its ordinances or regulations nor to prevent or punish violations thereof; and the powers conferred by this Article shall be in addition to and supplemental to the powers conferred by any other law, including but not limited to Article III of this Appendix.

(e) *Summary proceedings.* Nothing in this Article shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.